IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.BALAKRISHNAN NAIR

TUESDAY, THE 12TH DECEMBER 2006 / 21ST AGRAHAYANA 1928

WP(C).No. 33013 of 2006(E)

PETITIONER:

COMPTECH ENGINEERS,
CIVIL LANE ROAD, WEST FORT, THRISSUR-680 004,
REP. BY ITS MANAGING PARTNER, P.MANI.

BY ADV. SRI.M.CHATHUKUTTY NAMBIAR
SRI.RAJAKRISHNAN. K

RESPONDENT:

CALICUT DEVELOPMENT AUTHORITY,
JAYAPRAKASH NARAYAN ROAD,
NEAR RAILWAY STATION, KOZHIKODE-673 002,
REP. BY ITS SECRETARY.

BY SRI.M.K.ABOOBACKER, SC. CDA

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 12/12/2006, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

K.BALAKRISHNAN NAIR, J.

W.P.(C).NO.33013 of 2006-E

Dated this the 12th day of December, 2006

JUDGMENT

The petitioner was a contractor who did certain electrification work for the Calicut Development Authority. The contract was terminated at its risk and cost. It was also black listed. Those proceedings were the subject matter of W.P.(C). No.36341 of 2003 which was disposed of by Ext.P4 judgment. In the said judgment it was stated as follows:

> *" It is also ordered that if, pursuant to the cancellation of the contract at the risk and cost of the petitioner, the Authority arrives at a finding that they had suffered some loss, the same cannot be unilaterally enforced without following the due procedure of law."*

2. Now the respondent Calicut Development Authority has issued Ext.P5 notice proposing to hear the petitioner on 14-12-2006. The petitioner submits that they had already taken a decision regarding the loss sustained. Its hearing is an empty formality. Going by the past experience they will not hear the petitioner, it is submitted. So, this writ petition is filed

challenging Ext.P5 notice for hearing.

3. I heard the learned Standing Counsel for the respondent also. The respondent is directed to afford a fair hearing to the petitioner. If its contentions are not accepted, the respondent shall pass a speaking order dealing with them.

The writ petition is disposed of as above.

K.BALAKRISHNAN NAIR,JUDGE.

MS